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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,949	05/11/2006	Thorsten Bendel	Y05Y013	3568
35910 7590 04/02/2009 Omori & Yaguchi USA, LLC 8 Penn Center 1628 John F. Kennedy Blvd Suite 1300 Philadelphia, PA 19103				
EXAMINER				
MERLINO, ALYSON MARIE				
ART UNIT		PAPER NUMBER		
3673				
MAIL DATE		DELIVERY MODE		
04/02/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,949

Applicant(s)

BENDEL, THORSTEN

Examiner

ALYSON M. MERLINO

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 January 2009 has been entered.
2. The examiner acknowledges applicant's amendments to claims 1 and 3-10 and the cancellation of claim 2.

Claim Objections

3. **Claims 1 and 3-10 are objected to** because of the following informalities:
 - a. In regards to all the claims, it is suggested that the reference characters be removed from the claims.
 - b. In regards to claims 1, 4-7, 9, and 10, each instance of the phrase "the operating lever" should be changed to "the at least one operating lever" in accordance with line 3 of claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 4-6, and 9 are rejected** under 35 U.S.C. 102(b) as being anticipated by Fukumoto (US-5020838).
6. **In regards to claim 1**, Fukumoto discloses a vehicle door latch having a locking mechanism 2, 90, at least one operating lever 3 for the locking mechanism, and a motor drive 5, 7, 70, 71 containing a drive disk 5 with a front-sided cam 53 and a rear-sided element 6 limiting the angle of rotation (Col. 1, lines 57-60), and an electric motor 7 for causing rotation of the drive disk in an actuation direction C1 and in a reverse direction (Col. 3, lines 28-36), with the rotations being limited by the element limiting the angle of rotation (apparent from Figure 2), wherein the motor drive opens the locking mechanism solely via contact of the cam with the at least one operating lever (apparent that the cam is the only component that directly acts upon the at least one operating lever to open the locking mechanism, Col. 3, lines 6-27).
7. **In regards to claims 4 and 5**, Fukumoto discloses that the operating lever contains at least two arms, specifically three, an operating arm (arm portion near reference character 32, Figure 1), an actuation arm (arm portion near reference character 31, Figure 1), and an additional opening arm (arm portion connected to lever 98, Figure 1).
8. **In regards to claim 6**, Fukumoto discloses that the operating arm is acted upon by the drive while the actuation arm acts upon the locking mechanism (engagement shown in Figure 1 and Col. 3, lines 6-27).

9. **In regards to claim 9**, Fukumoto discloses that the operating lever pivotally engages a pawl 2 of the locking mechanism to open the locking mechanism and then the motor drive is acted upon in reverse direction until the pawl, held previously by the operating lever, is released (Col. 3, lines 6-42 and direction C2).

10. **Claims 1 and 3-10 are rejected** under 35 U.S.C. 102(b) as being anticipated by Szablewski (US-6435573).

11. **In regards to claim 1**, Szablewski discloses a vehicle door latch (Figure 1) having a locking mechanism 10, 20, at least one operating lever 30, 40 for the locking mechanism, and a motor drive 50, 51, 52, 53, 59 containing a drive disk 53 with a front-sided cam 51 and a rear-sided element 59 limiting the angle of rotation (apparent from Figures 1-6), and an electric motor 50 for causing rotation of the drive disk in an actuation direction 56 and in a reverse direction 56' (Col. 8, lines 43-55), with the rotations being limited by the element limiting the angle of rotation (apparent from Figures 1-6), wherein the motor drive opens the locking mechanism solely via contact of the cam with the at least one operating lever (apparent that the cam is the only component that directly acts upon the at least one operating lever to open the locking mechanism, Figures 1-6).

12. **In regards to claim 3**, Szablewski discloses that the element limiting the angle of rotation cooperates with a stationary stop 58 and limits the movement of the rotation of the motor drive to the actuation and reversing direction (apparent from Figures 1-9).

13. **In regards to claims 4 and 5**, Szablewski discloses that the operating lever contains at least two arms, specifically three, an operating arm 40, an actuation arm 31, and an additional opening arm 32.
14. **In regards to claim 6**, Szablewski discloses that the operating arm is acted upon by the drive (apparent from Figures 1-6) while the actuation arm acts upon the locking mechanism (Figure 1).
15. **In regards to claim 7**, Szablewski discloses that the motor drive acts upon the operating lever in its actuating direction for opening the locking mechanism until the element limiting the angle of rotation rests against the stop in an opening position (apparent from Figures 1-6).
16. **In regards to claim 8**, Szablewski discloses that opening position is maintained until the locking mechanism has been reliably opened (apparent from Figures 1-6).
17. **In regards to claim 9**, Fukumoto discloses that the operating lever pivotally engages a pawl 20 of the locking mechanism to open the locking mechanism and then the motor drive is acted upon in reverse direction until the pawl, held previously by the operating lever, is released (apparent from Figure 4).
18. **In regards to claim 10**, Szablewski discloses that when the drive disk is in an opening position (Figure 6), a counterforce generated by a spring 28 on the at least one operating lever, runs radially through the cam in the direction of a rotation axis (apparent axis through disk 53, Figure 1) without providing a lateral force running in the actuation direction or in the reverse direction on the drive disk (apparent from the position of the spring, Figure 6).

Response to Arguments

19. Applicant's arguments with respect to claims 1 and 3-10 have been considered but are moot in view of the new ground(s) of rejection.

20. In regards to applicant's remarks concerning the Fukumoto reference, it is clear that the motor disclosed by Fukumoto is reversible, as discussed in Col. 3, lines 28-36, and it is also clear that the cam is the only component directly acting upon the locking mechanism by its direct contact with the at least one operating lever, apparent from Figure 3. Furthermore, in regards to applicant's remarks in Section IV, applicant argues that Fukumoto does not show "any rotating cam at all," however, the claim language recites that the drive disk is rotated. There is no recitation of the rotation of the cam on its own, i.e. having its own rotational axis separate from the axis of the drive disk.

21. The examiner appreciates applicant's amendments to claim 12 and applicant's remarks concerning claim 12, and therefore, the rejection of claim 12 under 35 U.S.C. 112, second paragraph, set forth in the previous office action is withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AM
March 27, 2009

/Carlos Lugo/
Primary Examiner, Art Unit 3673